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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,817	11/08/2000	Masashi Morikami	36856.394	3063

7590 12/31/2002
Keating & Bennett LLP
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EXAMINER


EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/708,817	Applicant(s) Morikami	
	Examiner Karl Easthom	Art Unit 2832	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____
- 2a) This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) _____ accepted or b) _____ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) _____ approved b) _____ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

a) ☒ All b) _____ Some* c) _____ None of:

1. ☒ Certified copies of the priority documents have been received
2. _____ Certified copies of the priority documents have been received in Application No. _____
3. _____ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) _____ The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4. _____ Interview Summary (PTO-413) Paper No. _____ |
| 2. _____ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5. _____ Notice of Informal Patent Application (PTO-152) |
| 3. _____ Information Disclosure Statement(s) (PTO-1449) Paper No. _____ | 6. _____ Other _____ |

1. Figures 1-5b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-9, 12-22, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Masuda (US 5,982,272). Masuda discloses the claimed invention at Figs. 1 and 7 where the I portion is 43 (see Fig. 7), the annular portion is 42, the folded portion is 43b, and the bent up portion either 42a or 42b. The substrate is 2, the rotor is 3 the case is 1. In claims 4 and 17, the rotor 53 at Fig. 11 for example, has an inclined portion in the center thereof directly above the I portion 43a and opposite thereto "corresponding to the folded portion" where that term means

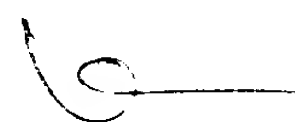
part 43 is straight after the bend similar to applicant's disclosure where the I portion is next to the bend 84. In claim 19, the protrusions are seen at Fig. 1 for holding the rotor and thereby to prevent slipping. In claim 20 the lead terminals 22, 23 go through the holes surrounding same. In claims 21-22, the contacts are 42a, 43a at Fig. 3. In calms 25 and 26, the elements are "substantially" the same as appearing substantially equal in length and having the same materials.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-11 and 23-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda (US 5,982,272) in view of admitted prior art Figs. 2 and 4 (APA). Masuda discloses the invention except the disc shape and rotor protrusions with slider holes. The APA discloses the claimed elements for securing the slider, while the disc shape is disclosed to correspond to the cylinder housing. It would have been obvious to change the shape to disc where the rotor of Masuda is a cylinder as is the inside of the housing in order to simplify the shapes of the parts so that they all correspond, and to make the protrusions and holes for holding the slider.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax number for the examiner is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



KARL D. EASTHOM
PRIMARY EXAMINER